

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO.: 1:14-cv-56

CYNTHIA D. GOODE,)
)
 PLAINTIFF,)
)
 VS.)
)
NANCY A. BERRYHILL,)
ACTING COMMISSIONER)
OF SOCIAL SECURITY,)
)
 DEFENDANT.)

ORDER

This matter is before the Court on the amended motion for attorney’s fees filed by plaintiff’s counsel, George C Piemonte, on July 3, 2018 (Doc. No. 26). Pursuant to 42 U.S.C. §406(b), whenever the court renders a judgment favorable to a claimant, it may award attorney fees not to exceed 25% of past-due benefits.

The Court previously denied Plaintiff’s motion for attorney’s fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, because the Commissioner’s position was considered substantially justified despite the Court’s Order to remand (Doc. No. 21). Upon remand, Plaintiff received a favorable finding her disabled and awarded past-due benefits of \$37,308.70 for August 2012 through February 2016. (Doc. No. 27-1, p. 2).

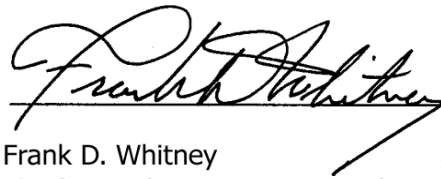
Defendant filed a response, stating that it “neither supports nor opposes Plaintiff’s counsel’s request.” (Doc. No. 28). Defendant also noted that under Gisbrecht v. Barnhart, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee. In the instant case, the fee agreement between Plaintiff and counsel provides for a contingency fee of 25% of past-due benefits. In considering the reasonableness of this arrangement, the Court has considered the overall complexity of the case, the lawyering skills necessary to handle it effectively, the risks

involved, and the significance of the result achieved in district court.. See Mudd v. Barnhardt, 418 F.3d 424, 427-28 (4th Cir. 2005) (citing Gisbrecht, 535 U.S. at 801, 808).

The court has reviewed the amount requested by counsel and finds it to be reasonable. Accordingly, the Court GRANTS Plaintiff's Motion (Doc. No. 26). The Social Security Administration shall release the sum of \$5,293.73 to Plaintiff's counsel as attorney's fees for services rendered before this court.

IT IS SO ORDERED.

Signed: August 7, 2018


Frank D. Whitney
Chief United States District Judge

